



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,450	11/06/2003	Masaru Suzuki	244990US2SRD	7606
22850	7590	05/22/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			CHEN, TE Y	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/701,450

Applicant(s)

SUZUKI ET AL.

Examiner

Susan Y. Chen

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2003.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 11/16/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-10 are presented for examination.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Abstract

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Art Unit: 2161

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the instant abstract fails to disclose a concise statement of the technical disclosure of the patent, for example, the misuse of grammar and punctuation make the statements at lines 4-8 and lines 13-17 of instant page hard to understand which unit includes which element and what functions is performed by which elements, as such, it renders the instant abstract as not clear statements of the technical disclosure.

Correction is required. See MPEP § 608.01(b).

Specification

In the present case, the examiner first noted that the title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Furthermore, the instant disclosure appears to be a direct translation to the English language and as such, contains numerous grammatical and idiomatic errors through out. The disclosure is objected to because of the following informalities:

1) Page 4, lines 2 – Page 5, lines 3, applicant discloses the first aspect of instant invention, that is directly copied from/into the lengthy claim 1, wherein the statements recited as following are not comprehensible as to preclude a reasonable search of the prior art by the examiner.

“A data retrieval method comprising: storing a plurality of information data items in a first memory device, each of the information data items including one or more elements, each of the elements including a first element name and a first character string; storing a plurality of first data items in a second memory device, each of the first data items including a second element name which is included in one of the elements and a label corresponding to one of categories to which a second character string which is included in the one of the elements belongs, the label being one of labels which correspond to the categories respectively, the second element name being identical to the first element name, the second character string being identical to the first character string; inputting a search request including a keyword and a first label which is one of the labels; searching one of the first data items which includes the first label, to obtain a third element name which is the second element name included in the one of the first data items; searching one of the information data items which includes a first element of the elements which includes the third element name and a second element of the elements which includes the first character string including the keyword; outputting the first character string which is included in the first element.”

2) Page 5, lines 4 – Page 6, lines 14, applicant discloses the second aspect of instant invention, that is directly copied from/into the lengthy claim 2, as recited in the following it not only fails to resolve the problems in claim 1, but also make the instant invention become more hard to understood.

“A data retrieval method comprising: storing a plurality of information data items in a first memory device, each of the information data items including one or more elements, each of the elements including a first element name and a first character string; storing a plurality of first data items in a second memory device, each of the first data items including a second element name which is included in one of the elements and a label corresponding to one of categories to which a second character string which is included in the one of the elements belongs, the label being one of labels which correspond to the categories respectively, the second element name being identical to the first element name, the second character string being identical to the first character string; storing a plurality of third data items in a third memory device, each of the third data items including one of the labels and a word representing one of the categories corresponding to the one of the label; inputting a search request expressed in natural-language and including a plurality of words; searching one of the third data items which includes the one of the words included in the search request, to obtain a first label which is one of the labels and is included in the one of the third data items; extracting a keyword corresponding to another of the words, from the search request; searching one of the first data items which includes the first label, to obtain a third element name which is the second element name included in the one of the first data items; searching one of

Art Unit: 2161

the information data items which includes a first element of the elements which includes the third element name and a second element of the elements which includes the first character string including the keyword; outputting the first character string which is included in the first element.”

Based on the above discussion, applicant is required to submit an amendment which clarifies the disclosure so that the examiner may make a proper comparison of the invention with the prior art.

Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-10, are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Initially, the examiner notes the separate nature of the enablement requirement as contrasted to the written description requirement of the first paragraph of 35 U.S.C. 112. It appears that the applicant has attempted to incorporate an "abstract first aspect and second aspect" which are recited in the "Brief Summary Of The Invention" to thereby support and enable the claimed subject matter. However, the specification, as filed, fails to provide enabling disclosure as to how one skilled person in the database art would make and/or use the "abstract first aspect and second aspect" alone, or in the context of the claimed subject matter. Hence, the claimed subject matter, which entirely relies on the "abstract first aspect and second aspect" lacks enablement because a description has not been provided to enable a skilled artisan to make and/or use the same as required under 35 USC 112, first paragraph.

For example, as to Claims 1, 5 and 9, the critical description disclosure to support the processing of the claimed subject matter (i.e., "the second element name being identical to the first element name", "the second character string being identical to the first character string", "a first element of the elements which includes the third element name", "searching one of the information data items which includes a first element of the elements which includes the third element name and a second element of the elements which includes the first character string including the keyword" and "the first character string which is included in the first element") is lacking, rendering the instant specification fails to define and enable the claimed "storing", "searching", "inputting" and "outputting" that including the mechanism/program instruction to

Art Unit: 2161

accomplish the same, as well as the means to fulfill the claimed "storing", "searching" "inputting" and "outputting" the same as is recited for by claims 1, 5 and 9 respectively.

In the other example, as to Claims 2, 6 and 10, these claims have the same defects as discussed above in claims 1, 5 and 9, except the claimed "inputting" is expressed in natural-language with default words. Therefore, are rejected along the same rational.

As to claims 3-4, 7-8, these claims have the same type of defects as their base claims (i.e., claims: 1, 2 and 5-6) respectively and are rejected for the same reasons.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1-10, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

As to claims 1, 5 and 9, these lengthy claims copied directly from/into the first aspect as recited of "Brief Summary Of The Invention" that contains numerous grammatical and idiomatic errors through out. The misuse of grammar and punctuation make the claimed statements hard to comprehensible as to which unit includes which element and which functions is performed by which units.

For example, what is "each of the first data items including a second element name which is included in one of the elements and a label corresponding to one of categories to which a second character string which is included in the one of the elements belongs, the label being one of labels which correspond to the categories respectively, the second element name being identical to the first element name, the second character string being identical to the first character string; storing a plurality of third data items in a third memory device, each of the third data items including one of the labels and a word representing one of the categories corresponding to the one of the label;" (claim 1, lines 9-17)

Furthermore, applicant fails to define the structures and the links of the following subject matters: "a plurality of information data items in a first memory device" (claim 1, lines 2-3), "a plurality of first data items in a second memory device" (claim 1, lines 8-9), "a first element name" (claim 1, line 6), "a first character string" (claim 1, line 6), "the first data items" (claim 1, line 9), "a second element name which is included in one of the elements" (claim 1, line 10-11), "a label corresponding to one of the categories" (claim 1, lines 11-12), "a second character string which is included in the one of the elements belongs" (claim 1, lines 12-13), "the label being one of labels which correspond to the

Art Unit: 2161

categories" (claim 1, lines 13-14), "a keyword" (claim 1, line 18), "a first label" (claim 1, line 19), etc. Because the lacking of definitions, structures and associations of the claimed subject matters, these claims are directed to be indefinite.

As to claims 2, 6 and 10, these lengthy claims copied directly from/into the second aspect as recited of "Brief Summary Of The Invention" that comprises the same defects as claims 1, 5 and 9, except in form of natural language with default wordings. Therefore, are rejected along the same rational.

As to claims 3-4, 7-8, these claims have the same type of defects as their base claims (i.e., claims: 1, 2 and 5-6) respectively and are rejected for the same reasons.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

1) Tripp et al. (U.S. Patent No. 6,976,053) which discloses a search engine utilizes a bottom-up approach to index and accurately retrieve the content of a network via central catalog of object references.

2) De La Huerga (U.S. Patent No. 6,928,452) which discloses a tiered and content based database searching.

3) Lewak et al (U.S. Patent No. 6,826,566) which discloses an identifier vocabulary data access method and system.

4) Hobbs (U.S. Patent No. 6,523,022) which discloses method and apparatus for selectively augmenting retrieved information from a network resource.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y. Chen whose telephone number is 571-272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan Y Chen
Examiner
Art Unit 2161

May 1, 2006

Susan Chen